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# Tenement House Law

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THE EAGLE LIBRARY

# THE Tenement House Law

OF THE  
STATE OF NEW YORK

INCLUDING ALL AMENDMENTS TO  
FEBRUARY 1, 1917.

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*See also Chapter XLIX of New York City Charter (Eagle Library No. 119),  
containing sections in relation to the Tenement House Department and New  
York City Code of Ordinances (Eagle Library No. 194).*



\*So in Original Act

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# TENEMENT HOUSE LAW

## CHAPTER 99, LAWS OF 1909

AN ACT in relation to tenement houses, constituting chapter sixty-one of the consolidated laws.

Became a law March 20, 1909, with the approval of the Governor. Passed, three-fifths being present.

Containing all amendments made thereto since the revision of 1909 down to and including March, 1917.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

### CHAPTER 61 OF THE CONSOLIDATED LAWS TENEMENT HOUSE LAW

- Article 1. Short title; definitions (§§ 1, 2).  
2. General provisions (§§ 3-9).  
3. Protection from fire (§§ 10-41).  
4. Light and ventilation (§§ 60-73).  
5. Sanitary provisions (§§ 90-101).  
6. Requirements and remedies (§§ 109-129).  
7. Registry of names and service of papers (§§ 140-144).  
8. Prostitution in tenement houses (§§ 150-160).  
9. Application; laws repealed; when to take effect (§§ 170-172).

#### ARTICLE I

##### SHORT TITLE; DEFINITIONS.

- Section 1. Short title.  
2. Definitions.

##### § 1. Short Title.

"This chapter shall be known as the "Tenement House Law."

##### § 2. Definitions.

Certain words in this chapter are defined for the purposes thereof as follows:

1. A "tenement house" is any house or building, or portion thereof, which is either rented, leased, let or hired out, to be occupied, or is occupied, in whole or in part, as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises and includes apartment houses, flat houses and all other houses so occupied. (As amended by L. 1912, ch. 12.)
2. A "yard" is an open unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the rear line of the lot.
3. A "court" is an open unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to the street or yard is an inner court. A court extending to the street or yard is an outer court. If it extends to the street it is a street court. If it extends to the street it is a yard court.
4. A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose. (As amended by L. 1912, ch. 454.)

5. A "public hall" is a hall, corridor or passageway not within an apartment.
6. A "stair hall" includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.
7. A "basement" is a story partly but not more than one-half below the level of the curb.
8. A "cellar" is a story more than one-half below the level of the curb.
9. A "fireproof tenement house" is one the walls of which are constructed of brick, stone, iron or other hard incombustible material, and in which there are no wood beams or timbers, and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, iron or other hard incombustible material, and in which no woodwork or other inflammable material is used in any of the partitions, furnishings or ceilings. But this definition shall not be construed as prohibiting, elsewhere than in the stair halls or entrance halls, the use of wooden flooring on top of the fireproof floors or the use of wooden selsepers, nor as prohibiting wooden handrails and hardwood treads such as described in section twenty-two of this chapter.
10. The word "shall" is always mandatory, and not directory, and denotes that the house shall be maintained in all respects according to the mandate, as long as it continues to be a tenement house.
11. Whenever the words "character," "ordinances," "regulations," "department of buildings," "department of health," "department of water supply," "fire department," "department charged with the enforcement of this chapter," "corporation counsel," "city treasury" or "fire limits" occur in this chapter they shall be construed as if followed by the words "of the city in which the tenement house is situated." Whenever the words "is occupied" are used in this chapter, applying to any building, such words shall be construed as if followed by the words "or is intended, arranged or designed to be occupied."
12. The "height" of a tenement house is the perpendicular distance measured in a straight line from the curb level to the underside of the roof beams, the measurements in all cases to be taken through the center of the facade of the house. Where a building is on a lot that faces on two or more streets and there is more than one grade or level, the measurements shall be taken through the center of the facade on the street having the greatest grade. (As amended by L. 1912, ch. 454.)

#### ARTICLE 2

##### GENERAL PROVISIONS.

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##### § 3. Buildings Converted or Altered.

A building not a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this chapter affecting tenement houses hereafter erected. (As amended by L. 1912, ch. 454.)

##### § 4. Alterations and Change in Occupancy.

No tenement house shall at any time be altered so as to be in violation of any provision of this chapter. If any tenement house or any part thereof is occupied by more families than provided in this chapter, or is erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the department charged with the enforcement of this chapter may cause such building to be vacated. And such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

##### § 5. Application to Certain Studio Buildings.

A studio building erected after May first, nineteen hundred and one, and prior to October first, nineteen hundred and five, in a city of the first class upon a lot not less than seventy-five feet in width by one hundred feet in depth, which building contains not less than fourteen studios, each with a window not less than ten feet in height and ten feet in width, such studio building being occupied and used by three families or more, living independently of each other and doing their cooking on the premises, shall be and hereby is declared exempt from the requirements and provisions of sections fifty-one, sixty-four, sixty-six, sixty-seven, sixty-eight, seventy-four, seventy-nine, ninety, subdivision one; ninety-three, ninety-five, one hundred and twenty and one hundred and twenty-one of this chapter.

##### § 6. Application to Buffalo.

The provisions of chapter three hundred and thirty-four of the laws of nineteen hundred and one shall not be deemed to have applied to the city of Buffalo before January first, nineteen hundred and two.

##### § 7. Tenement Houses Located at the Corner of Two Streets One of Which Passes Under the Other.

In the case of a tenement house hereafter erected on a corner lot formed by the intersection of one street passing under another street, the measurements for determining the height of said house and the number of its stories, may be taken on said highest street; provided, however, that no part of said building which is below the curb level of said highest street is occupied for living purposes, except by the janitor of said building and his family; and provided also that all tiers of beams below the curb level on the highest street, as well as the first tier of beams above such curb level, shall be iron or steel or reinforced concrete with fireproof filling; and provided, also that all inside stairs below such curb level shall be fireproof and shall be enclosed with eight-inch brick walls with fireproof self-closing doors at top and bottom of each flight, and such stairs shall not be located under such other; and pre-



vided also that adequate egress from all apartments shall be had to the street of the highest level. (As amended by L. 1913, ch. 551.)

### § 8. Building Regulations.

Except as herein otherwise specified, every tenement house shall be constructed and maintained in conformity with the existing law, but no ordinance, regulation or ruling of any municipal authority shall modify or dispense with any provision of this chapter.

### § 9. Penalties.

All penalties collected under this chapter shall be paid into the city treasury.

### § 10. Time for Compliance.

All alterations required by this chapter upon tenement houses erected prior to April twelfth, nineteen hundred and one, shall be made within one year from said date, or at such earlier period as may be fixed by the departments charged with the enforcement of this chapter.

## ARTICLE 3

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#### § 14. Fireproof Tenement, When Required.

Every tenement house hereafter erected exceeding six stories or parts of stories in height above the curb level, shall be a fireproof tenement house, nor shall any tenement house be altered so as to exceed such height without being made a fireproof tenement house. A cellar the ceiling of which does not extend more than two feet above the curb level is not a story within the meaning of this section. Where, however, a tenement house hereafter erected is located on a street of which the grade is more than four feet in one hundred feet, a cellar or basement, the ceiling of which does not extend more than six inches above the highest point of the curb level, is not to be deemed a story within the meaning of this section, provided, however, that no part of such cellar or basement is occupied or arranged to be occupied for living purposes except by the janitor of such building and his family, and provided also that such cellar or basement is the lowest story of such building. (As amended by L. 1913, ch. 551.)

### § 15. Means of Egress.

Every tenement house hereafter erected, both fireproof and non-fireproof, exceeding

two stories in height shall have at least two independent ways of egress which shall extend from the ground floor to the roof, and shall be located remote from each other, and shall be separated from each other by walls. One of such ways of egress shall consist of stairs constructed and arranged as provided in sections eighteen to twenty-two inclusive of this chapter. The other way of egress shall be directly accessible at each story to each apartment without having to pass through the first way of egress. Such other way of egress may be any one of the following, as the owner may elect:

1. A system of outside fire-escapes constructed and arranged as provided in section sixteen of this chapter.
2. An additional flight of stairs, either inside or outside, constructed and arranged as provided in sections eighteen to twenty-two inclusive of this chapter.
3. A fire-tower constructed and arranged as provided in section twenty-two-a of this chapter. (As added by L. 1913, ch. 551, and amended by L. 1915, ch. 159.)

### § 16. Fire-Escapes.

1. All fire-escapes hereafter erected upon tenement houses shall be located, arranged and constructed as follows:

Such fire-escapes shall open directly from at least one room or private hall in each apartment at each story above the ground floor, other than a bathroom or water-closet compartment, and shall not include the window of a stair hall, and such room or private hall shall be an integral part of said apartment and accessible to every room thereof without passing through a public hall. Access to fire-escapes shall not be obstructed in any way. No fire-escape shall be placed in a court except where required by law for apartments not having a room either on the street or yard as provided in section fifty-six of this chapter. Fire-escapes may be located in an unenclosed recess in the front of a tenement house hereafter erected, provided that such recess is used solely for fire-escape purposes and does not exceed five feet in depth from the extreme front wall of the building and has not less than seventy-five per centum of its superficial area open to the street and is not roofed over or enclosed at the top. Such recess shall not be counted as part of the unoccupied area of the lot, nor construed as a court. Fire-escapes may project into the public highway to a distance not greater than four feet beyond the building line. All fire-escapes shall consist of outside open iron or stone balconies and stairways. All balconies shall be not less than three feet in width and shall include at least one window or outside door of each apartment, at each story above the ground floor. All stairways shall be placed at an angle of not more than sixty degrees with flat open steps not less than six inches in width and twenty inches in length and with a rise of not more than nine inches. The openings for stairways in all balconies shall be not less than twenty-one by twenty-eight inches, and shall have no covers of any kind. The balcony on the top floor, except in the case of a balcony on the street, shall be provided with a stairs or with a gooseneck ladder leading from said balcony to and above the roof and properly fastened thereto. A drop ladder shall be provided from the lowest balcony of each apartment to a safe landing place beneath. All fire-escapes shall be constructed and erected to safely sustain in all their parts a safe load, and if of iron shall receive not less than two coats of good paint, one in the shop and one after erection. In addition to the foregoing requirements, all fire-escapes hereafter erected upon tenement houses shall be constructed in accordance with such supplementary regulations as may be adopted by the department charged with the enforcement of this chapter.

2. Every non-fireproof tenement house exceeding two stories in height erected prior to April eighteenth, nineteen hundred and

twelve, shall be provided either with fireproof outside stairways, or with fire-escapes directly accessible to each apartment without passing through a public hallway. The owner of every tenement house shall keep all the fire-escape stations in good order and repair, and whenever rusty shall have them properly painted with two coats of good paint. No person shall at any time place any incumbrance of any kind before or upon any stair- or fire-escape.

5. Fire-escapes on existing houses. In the case of tenement houses erected prior to April tenth, nineteen hundred and one, fire-escapes that are already erected shall be deemed sufficient in the following cases:

1. If located on the front or rear wall of the building and properly connected with stairs or stationary ladders with proper openings.

2. If located in an outer court at a point distant not more than thirty feet from the outer end of such court and provided such court is not less than five feet in width from wall to wall at any point between such fire-escape and the outer end of said court.

3. If located in an inner court whose least horizontal dimension is not less than fifteen feet measured from wall to wall.

4. If a party-wall balcony located on the front or rear wall of the building and there are no doors or openings in the walls between the two buildings other than windows in fire-proof air-shafts.

6. If a party-wall balcony located in an outer court not more than fifteen feet in length measured from the outer end of such court to the innermost point thereof, and not less than five feet in width from wall to wall at any point between such fire-escape and the outer end of said court, and provided also that there are no doors or openings in the walls between the two buildings other than windows in fireproof air-shafts.

6. If the fire-escapes are located on tenement houses that are less than four stories in height and which also do not contain accommodations for such residents as families in all, and they are such iron, steel or wire-cable fire-escapes as have been approved by the department charged with the enforcement of this chapter, under authority of law.

But, however, no fire-escapes shall be deemed sufficient unless the following conditions are complied with:

a. All parts of it shall be of iron or stone.

b. Every apartment above the ground floor in each tenement house shall have a fire-escape directly accessible to it without passing through a public hall.

c. All balconies shall be properly connected with each other by adequate stairs or stationary ladders, with openings not less than twenty-one by twenty-eight inches, except in the case of a party-wall balcony as prescribed in groups four and five of this sub-division.

d. All fire-escapes shall have proper drop ladders from the lowest balcony of sufficient length to reach a safe landing place beneath.

e. All fire-escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or to the adjoining premises.

f. Prompt and ready access shall be had to all fire-escapes, which shall not be obstructed by bath tubs, water-closets, sinks or other fixtures. No fire-escapes, but no existing fire-escapes that are already erected which do not conform to the requirements of this subdivision may be altered by the owner to make them so conform in lieu of providing new fire-escapes, but no existing fire-escape shall be extended or have its location changed except with the written approval to the department charged with the enforcement of this chapter. Where an existing apartment in a tenement house erected prior to April-tenth, nineteen hundred and one, is located entirely on a court and has no rooms opening on the street or yard, fire-escapes hereafter provided for such apartments may be located in courts under the same conditions as prescribed for



existing fire-escapes in this subdivision. All new ladders that are provided for existing fire-escapes shall be constructed in accordance with such regulations as may be adopted by said department.

4. Whenever a fire-escape in this subdivision is not provided with sufficient means of egress in case of fire, the department charged with the enforcement of this chapter\* may order such additional fire-escapes or other means of egress as in its judgment may be necessary.

(As amended by L. 1905, ch. 354; and subdivision 1 thereof by L. 1912, ch. 454. Also subdivisions 1, 2, 3, 4 thereof by L. 1913, ch. 551. Also subdivision 2 thereof by L. 1915, ch. 134.)

### § 17. Bulkheads.

Every tenement house hereafter erected shall have in the roof a fireproof bulkhead with a fireproof door to the same and shall have fireproof stairs with a guide or hand-rail leading to the roof, except that in tenement houses hereafter erected which do not exceed four stories and cellar in height, and which also are not occupied or arranged to be occupied by more than two families on any floor, such bulkheads may be of wood covered with metal on the outside and on inside shall be lathed with metal lath and plastered thereon with two coats of mortar, or shall be covered with good quality plaster boards not less than one-half inch in thickness made of plaster and strong fibre, with all joints made true and well pointed. The stairs leading to such bulkhead shall be constructed as specified in sections eighteen to twenty-three of this chapter. (As amended by L. 1910, ch. 415.)

### § 18. Stairs and Public Halls.

In every tenement house hereafter erected all stair halls shall extend from the entrance floor to the roof, and the stairs and public halls therein shall each be at least three feet wide in each apartment. The stairs shall be directly accessible at each story to such stairs and public halls, and every story of such apartment shall be so accessible to such stairs and public halls as to a tower fire-escape or stairway as provided in section twenty-two of this chapter. In every tenement house hereafter erected all stairs and stair halls shall be completely separated from every other stairs and from each elevator, by brick walls or partitions of terra cotta blocks not less than four inches thick, or hollow cement blocks not less than four inches thick which shall have successfully withstood a three hours standard fire test and shall be approved by the department charged with the enforcement of this chapter,\* and with fireproof self-closing doors at all openings. (As amended by L. 1912, ch. 454, and by L. 1915, ch. 264.)

### § 19. Stairways in Non-Fireproof Buildings.

Every non-fireproof tenement house hereafter erected containing over twenty-six apartments or suites of rooms above the entrance story shall also have an additional flight of stairs for every additional twenty-six apartments or fraction thereof; if said house contains not more than thirty-six apartments above the entrance story, in lieu of an additional flight of stairs, the stair halls and entrance halls throughout the entire building may each be at least one-half wider than is specified in sections eighteen and twenty-three of this chapter.

### § 20. Stairways in Fireproof Buildings.

Every fireproof tenement house hereafter erected containing over thirty-six apartments or suites of rooms above the entrance story shall also have an additional flight of stairs for every additional thirty-six apartments or fraction thereof; but if said house contains not more than forty-eight apartments above the entrance story, in lieu of an additional stairway the stairs, stair halls and entrance halls throughout the entire building may each be at least one-half wider than is specified in sections eighteen

and twenty-three of this chapter. And if said house contains not more than eighty-four apartments above the entrance story in lieu of three stairways there may be but two stairways, provided that one of such stairways and the stair hall and entrance halls connected therewith are at least one-half wider than is specified in sections eighteen and twenty-three of this chapter.

### § 21. Stairways and Stairs.

Each flight of stairs mentioned in the last three sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street. All stairs shall be constructed with a rise of not more than eight inches and with treads not less than ten inches wide and not less than three feet long in the clear. Winding stairs will not be permitted except in a fireproof tenement house provided with a power passenger elevator. Where winding stairs or radial steps are used, the strings from which the risers radiate shall be curved on the inside of less than one foot diameter and the treads shall be not less than four inches wide at the said string, the nosing not to be included; and the angle formed by the treads and the string shall be not more than forty degrees from a line normal to the string at the intersection of such riser. (As amended by L. 1912, ch. 454.)

### § 22. Stair Halls.

1. The stair halls in all non-fireproof as well as fireproof tenement houses hereafter erected shall be constructed as in this section and the following section specified. In fireproof tenement houses hereafter erected which either are occupied or are arranged to be occupied by more than two families on any floor, or which exceed four stories and cellar in height, the stair halls shall be constructed of fireproof material throughout. There shall be no wood or other inflammable material of any kind in such halls, except that handrails of hard wood and hard wood treads not less than two inches thick may be provided. All windows on stair halls shall in addition to being fireproof be glazed with good quality wire glass, but this shall not apply to such windows opening on the street, in the case of tenement houses not exceeding six stories in height. The risers, strings and banisters shall be of metal or of stone. The treads shall be of metal, slate or stone, or of hard wood not less than two inches thick. Handrails to stairs shall be provided and, if wooden, shall be constructed of hard wood. The floor of all such stair halls shall be constructed of iron or steel beams and fireproof filling, or of reinforced concrete constructed in accordance with the rules and regulations of the department of buildings, and no wooden flooring or sleepers shall be permitted. In tenement houses hereafter erected which do not exceed four stories and cellar in height and which also are not occupied or arranged to be occupied by more than two families on any floor, the stair halls shall either be constructed of iron beams and fireproof filling, or of reinforced concrete as above provided, or shall be filled in between the floor beams with at least five inches of cement daffening. In such houses the stairs shall be iron, concrete or stone, or may be of wood. The floor of all such stair halls shall be covered with metal lath and plastered with two coats of mortar, or with good quality plaster boards not less than one-half inch in thickness, made of plaster and strong fibre and all joints made true and well pointed. (As amended by L. 1912, ch. 454 and by L. 1913, ch. 551.)

2. In every non-fireproof tenement house hereafter erected which either is occupied or arranged to be occupied by more than two families on any floor, or which exceeds four stories and cellar in height, all stair halls shall be inclosed on all sides with brick walls, except that one or two sides may be left open to the street, yard or court. In every tenement house hereafter erected, both fireproof and non-fireproof, the doors opening from the stair halls shall be fireproof and self-closing. There shall

be no transom or sash or similar opening of any kind from such stair hall to any other part of the house. Each stair hall shall be shut off from all non-fireproof portions of the building and from all other non-fireproof parts of the building, on each story, by self-closing fireproof doors. In every tenement house hereafter erected, every public hall which exceeds forty feet in length and which is not used or intended to be used as a means of egress from more than three apartments shall be constructed fireproof throughout and all doors opening from such hall shall be fireproof and self-closing. In tenement houses hereafter erected which do not exceed four stories and cellar in height, and which also are not occupied or arranged to be occupied by more than two families on any floor, the stair halls shall be inclosed on all sides with brick walls or with partitions of angle iron and fireproof blocks not less than four inches thick. In tenement houses hereafter erected which do not exceed three stories and cellar in height, and which also are not occupied or arranged to be occupied by more than two families on any floor, the stair halls may be inclosed with wooden stud partitions, provided such partitions are covered on both sides with metal lath, or with good quality plaster-boards not less than one-half inch in thickness, made of plaster and strong fibre and all joints made true and well-pointed, and provided that the space between the studs is filled in with brick to the height of the floor beams. (As amended by L. 1912, ch. 454.)

### § 22-a. Tower Fire-Escapes.

In a fireproof tenement house hereafter erected in which one or more power passenger elevators are provided and operated, tower fire-escapes or stairways which are supplementary to the stairways required by law, but which are not required by law, with the provisions of sections twenty, sixty-six, sixty-seven and sixty-eight of this chapter. Such tower fire-escapes or stairways shall be shut off from all other parts of the building by self-closing doors or partitions of terra cotta blocks not less than four inches thick, or hollow cement blocks not less than four inches thick which shall have successfully withstood a three hours standard fire test and shall be approved by the department charged with the enforcement of this chapter,\* and with fireproof self-closing doors at all openings, and shall be constructed in accordance with such supplementary regulations as may be adopted by the department charged with the enforcement of this chapter.\* Such tower fire-escapes or stairways shall not be designed for or used as service stairs; they shall be kept adequately lighted at all times and free from incumbrance. (As added by L. 1912, ch. 454, and amended by L. 1915, ch. 264.)

### § 23. Entrance Halls.

Every entrance hall in a tenement house hereafter erected shall be at least three feet six inches wide in the clear, from the entrance up to and including the stair inclosure, have successfully withstood a three feet wide in the clear, and shall comply with all the conditions of the preceding sections of this article as to the construction of stair halls, except that in a fireproof tenement house the entrance hall may be inclosed with terra cotta blocks not less than four inches thick, or hollow cement blocks not less than four inches thick which shall have successfully withstood a three hours' standard fire test and shall be approved by the department charged with the enforcement of this chapter,\* and angle iron construction, instead of brick walls. If such entrance hall is the only entrance more than one flight of stairs, that portion of said hall between the entrance and the first flight of stairs shall be increased accordingly in width in every part for each such additional flight of stairs. In every tenement house hereafter erected, access shall be had from the street to the yard,

\*Tenement House Department.



either in a direct line or through a court. (As amended by L. 1915, ch. 264.)

#### § 24. First Tier of Beams.

In all non-fireproof as well as fireproof tenement houses hereafter erected five stories or more in height, exclusive of the cellar, the first floor above the lowest cellar, or, if there be no cellar, above the lowest story, shall be constructed fireproof with iron or steel beams and fireproof flooring; and the bottom flanges and all exposed portions of such iron or steel beams below the abutments of the floor arches or filling shall be entirely encased with hard-burnt clay or porous terra cotta or with metal lath properly secured and plastered on the underside. Reinforced concrete floor construction constructed in accordance with the rules and regulations of the superintendent of buildings may be used in lieu of such iron or steel beams. In all non-fireproof tenement houses hereafter erected less than five stories in height where the first floor above the lowest cellar, or, if there be no cellar, above the lowest story, is not constructed fireproof as above provided, the cellar ceiling of said tenement house shall be lathed with metal lath and plastered therein with two coats of brown mortar of good materials, or shall be covered with plaster boards not less than one-half inch in thickness, made of plaster and strong fibre and all joints made true and well pointed. (As amended by L. 1915, ch. 351.)

#### § 25. Partitions.

In all non-fireproof tenement houses hereafter erected, apartment stud partitions which rest directly over each other shall run through the wooden floor beams and rest upon the plate of the partition below, and shall have the studding filled in solid between the uprights to the depth of the floor beams with suitable combustible material. In all fireproof tenement houses hereafter erected, all partitions shall rest directly upon the fireproof beam construction, and extend to the fireproof beam filling above. Apartments within the meaning of this section are partitions crossing the floor beams at any angle, and designed to separate apartment from apartment, or any part of an apartment from the public or other public part of the building. (As amended by L. 1915, ch. 454.)

#### § 26. Cellar Stairs in Non-Fireproof Buildings.

In non-fireproof tenement houses hereafter erected which either are occupied or are arranged to be occupied by more than five families on any floor, or which exceed four stories and cellar in height there shall be no inside stairs communicating between the lowest cellar or other lowest story and the floor next above, but such stairs shall in every case be located outside the building, and if inclosed shall be constructed entirely fireproof and be inclosed in a fireproof inclosure with fireproof self-closing doors at all openings. This requirement, however, shall not apply to the stairs leading from the entrance story to the upper stories in tenement houses hereafter erected where there is no cellar or other story below the said entrance story. In tenement houses hereafter erected which do not exceed four stories and cellar in height and which also are not occupied or arranged to be occupied by more than two families on any floor, the stairs leading to the cellar may be located inside the building, provided they are entirely inclosed with brick walls and are provided with fireproof self-closing doors at both the top and bottom.

#### § 27. Cellar and Basement Stairs in Fireproof Buildings.

In fireproof tenement houses hereafter erected cellar and basement stairs may be located inside the building but shall not be located underneath the stairs leading to the upper stories, but this prohibition shall not apply where the basement is the main entrance floor of the house. All such inside stairs shall be entirely inclosed with brick walls or with partitions of fireproof blocks not less than four inches thick

with angle iron construction and shall be provided with self-closing fireproof doors at all openings. (As amended by L. 1912, ch. 454.)

#### § 28. Closest Under First Story Stairs.

In non-fireproof tenement houses hereafter erected no closet of any kind shall be constructed under any stairs leading from the entrance story to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance. (As amended by L. 1912, ch. 454.)

#### § 29. Cellar Entrance.

In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of the said building.

#### § 30. Fire Stops.

In tenement houses hereafter erected, in all walls where wooden flooring is used all the courses of brick from the under side of the floor beams to the top of the same shall project a distance of at least two inches beyond the inside face of the wall so as to provide an effective fire stop; and wherever floor beams run parallel to a wall and wooden flooring is used such beams shall always be kept at least two and one-half inches away from the inside line of the wall, and the space between the beams and the wall shall be built up solidly with brick work from the under side of the floor beams to the top of the same, so as to form an effective fire stop. All windows in walls situated on the lot line, except those facing on the street, shall be entirely fireproof with kalamint or metal frame and good quality wire-glass. (As amended by L. 1912, ch. 454.)

#### § 31. Wooden Tenement Houses.

Within the fire limits no wooden tenement house shall hereafter be erected, and no wooden building not now used as a tenement house shall hereafter be altered or converted to such use. But outside of the fire limits, tenement houses exceeding three stories in height, exclusive of the cellar, may be erected of wood, but shall not provide accommodations for, or be occupied, by more than four families in height, by more than four families in all, or more than two families on any floor; nor if three stories in height by more than three families in all, nor by more than one family on any floor. No such building shall exceed forty feet in height, and the side walls of all such buildings shall be brick filled. And such houses, whether of wood or other material, need not comply with the provisions of the following named sections of this chapter, sections, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty, thirty-six, thirty-seven, and such houses shall not exceed two stories in height need not have either fire-escapes or stairs extending to the roof.

#### § 32. Scuttles, Bulkheads, Ladders and Stairs.

Every tenement house shall have in the roof a bulkhead or a scuttle which, in tenement houses erected prior to April tenth, nineteen hundred and one, shall be not less than twenty-one inches by twenty-eight inches, and in tenement houses erected after that date, not less in size than two feet by thirty inches. All scuttles shall be covered on the outside with metal and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all tenants of the building and kept free from incumbrance, and all scuttles and ladders shall be kept so as to be ready for use at all times. No scuttle shall be located in a room, but all scuttles shall be located in the ceiling of the building. The top floor, and access through the scuttle to the roof shall be direct and uninterrupted. If located in a closet, said closet shall open from the public hall and shall not be used as a wardrobe, closet, compartment or bathroom, and the door to such closet shall be permanently removed, or shall be fastened only by movable bolts or hooks without keylocks. When deemed necessary by the department charged with the enforcement of

this chapter, scuttles shall be hinged so as to readily open. Every bulkhead in a tenement house shall have stairs with a guide or hand rail leading to the roof, and such stairs shall be kept free from incumbrance at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by a bolt or hook. All keylocks on scuttles and on bulkhead doors shall be removed. No stairs leading to the roof in any tenement house shall be removed and replaced with any other bulkhead hereafter constructed in a now-existing tenement house shall be constructed as provided in section seventeen of this chapter, except that where the stairs and stair halls in such tenement house are not now of fireproof material such bulkhead may be of wood covered with metal. Any tenement house hereafter increased in height by placing thereon an additional story or stories as a part of a story, shall be provided with a bulkhead in the roof. (As amended by L. 1909, ch. 354.)

#### § 33. Certain Alterations and Buildings Moved From One Lot to Another.

If any tenement house existing on April eleventh, nineteen hundred and one, shall be so altered as to increase the number of rooms therein by thirty-three and one-third per centum or more, or if such building is increased in height so that the said building is more than four stories or parts of stories above the curb level, and also the number of rooms is increased therein, the entire stair halls, entrance halls and other public halls of the whole building shall be made to conform to the requirements of sections eighteen to twenty-three, inclusive, of this chapter. If any tenement house erected prior to April tenth, nineteen hundred and one, be hereafter moved from one lot to another, it shall thereupon become subject to all the requirements of this chapter affecting tenement houses hereafter erected. (As amended by L. 1915, ch. 454.)

#### § 34. Alteration of Wooden Tenement Houses.

No wooden tenement house shall be increased in height so as to exceed three stories, exclusive of the cellar, nor shall it be altered so as to be occupied by less than three stories, by more than two families on any floor; nor by more than four families in all; nor, if three stories, by more than one family on any floor, nor by more than three families in all.

#### § 35. Stairways.

In every tenement house all stairways shall be provided with proper handrails and railings and kept in good repair. In any tenement house any new stairs that may be hereafter constructed leading from the first story or other story, or basement, shall be entirely inclosed with brick walls and be provided with fireproof self-closing doors at both the top and the bottom. No public hall or stairs in a tenement house shall be inclosed in wood, except in the minimum width prescribed in sections eighteen to twenty-three, inclusive, of this chapter.

#### § 36. Shafts.

All shafts hereafter constructed in tenement houses shall be constructed fireproof throughout, with fireproof self-closing doors at all openings in any story, except wind openings in shafts; and if they extend to the cellar, shall also be inclosed in the cellar with fireproof walls and fireproof self-closing doors at all openings. In no case shall any shaft be constructed of materials in which any inflammable material or substance enters into any of the component parts. But nothing in this section contained shall be so construed as to require such inclosures about dumbwaiters, or in the hole of stairs where the stairs themselves are inclosed in brick or stone walls, and are entirely constructed of fireproof materials as hereinafter provided. Such shafting doors shall not be required for elevators. (As amended by L. 1912, ch. 454.)



**§ 37. Plastering Behind Wainscoting.**

When the surface of walls, partitions or ceilings of any tenement house, or any building in process of alteration into a tenement house, is to be covered, sheathed or wainscoted wholly or in part, the wall, partition or ceiling, behind such covering shall first be plastered; and any intervening space between said plastering and said wainscot, sheathing or other covering shall be filled with incombustible material. In the case of walls and partitions, such plastering and filling shall extend down to the floor line. (As amended by L. 1912, ch. 454.)

**§ 38. Wooden Buildings on Same Lot With Tenement House.**

Within the fire limits no wooden building of any kind whatsoever shall hereafter be placed or built upon the same lot with a tenement house, nor shall a tenement house be placed or built upon the same lot with a wooden building. And, within the fire limits, no wooden building and no wooden structure or other building on the same lot with a tenement house, shall hereafter be enlarged, extended or raised; except that a wooden extension or addition in total area seventy square feet may be added to an existing wooden tenement house, provided such extension is used solely for bathroom or water-closets. Nothing in this section shall be construed so as to prevent the erection of an extension to a wooden building, within the fire limits, if such extension is constructed with walls of brick, stone, iron or other hard, incombustible material, provided that the top of the roof beams of such extension shall not be above the level of the second tier of beams, and further provided that such extension shall not be occupied or arranged to be occupied for living purposes. (As amended by L. 1912, ch. 454.)

**§ 39. Combustible Materials.**

No tenement house, nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any combustible article except under such conditions as may be prescribed by the fire department, under authority of a written permit issued by said department. No tenement house, nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

**§ 40. Bakeries and Fat Boiling.**

No bakery and no place of business in which fat is boiled, shall be maintained in any tenement house which is not fireproof throughout, unless the ceiling, side-walls, and all exposed iron or wooden girders or columns within the said bakery or within said place where fat boiling is done, are made safe by fireproof materials around the same. And there shall be no openings either by door, window, dumbwaiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house, and the other parts of the said building, except that in bakeries in which no fat is boiled, and in which no apparatus for fat boiling is present or on the premises, a dumbwaiter communicating between the place where the baking is done and the store above, may be maintained, if entirely inclosed in a brick shaft with walls not less than eight inches thick, without any openings whatever except one door opening in the bake-shop and one door opening in the bakery store, such openings shall each be provided with a fireproof door so arranged that when one door is open or partly open, the other door shall be entirely closed.

**§ 41. Other Dangerous Businesses.**

All transoms and windows opening into halls from any portion of a tenement house where paint, oil, spirits, turpentine or other inflammable liquids are stored for the purpose of sale or otherwise, shall be glazed with wire glass or they shall be removed and closed up so

solidly as the rest of the wall; and all doors leading into any such hall from such portion of said house shall be made fireproof.

**ARTICLE 4****LIGHT AND VENTILATION.****Section 60. Percentage of lot occupied.**

61. Height.
62. Yards of interior lots.
63. Yards of corner lots.
- 64-a. Retaining walls in yards and courts.
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66. Courts.
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61. Buildings on same lot with tenement houses.
62. Rooms, lighting and ventilation of.
63. Windows in rooms.
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69. Privacy.
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72. Additional rooms and halls.
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74. Public halls, lighting of.
75. Light and vent shafts in existing buildings.
76. Public halls.
77. Skylights and ventilators.
78. Chimneys and fireplaces.
79. Vent shafts.

**§ 50. Percentage of Lot Occupied.**

No tenement house hereafter erected shall occupy, either alone or with other buildings, except as otherwise provided in section fifty-eight, subdivisions one and two of this chapter, a greater percentage of the area of the lot than as follows:

- (a) In the case of a corner lot not more than ninety per centum;
- (b) In the case of an interior lot which exceeds ninety feet in depth and does not exceed one hundred and five feet in depth, not more than seventy per centum;

Provided that the space occupied by fire-escapes of the size hereinbefore prescribed shall not be deemed a part of the lot occupied. For the purposes of this section the measurements shall be taken at the ground level, except that where such a building has no basement, and the cellar ceiling is not more than two feet above the curb level, the measurement as to percentage of lot occupied may be taken at the level of the second tier of beams. The provisions of this section shall not apply to a tenement house hereafter erected running through from one street to another street, provided that the lot on which it is situated does not exceed one hundred feet in depth. (As amended by L. 1912, ch. 551.)

**§ 51. Height.**

The height of no tenement house hereafter erected shall be more than one-half the width of the widest street upon which it stands. Such height shall be the perpendicular distance measured in a straight line from the curb level to the underside of the roof beams; provided that if the cornice exceeds one-tenth of such height, the measurements shall be taken to the top of the cornice; and provided that if there are bulkheads, superstructures or pent houses, exceeding ten feet in height, or exceeding in aggregate area ten per centum of the area of the roof, the mea-

surements shall be taken to the top of such bulkhead, superstructure or pent house; but this shall not apply to elevator inclosures not exceeding twenty-three feet in height, and used solely for elevator purposes, nor to open pergolas or similar open ornamental treatment of roof-gardens or playgrounds. The measurements in all cases shall be taken through the center of the facade of the house. In a fireproof tenement house hereafter erected in which one or more power passenger elevators are provided and operated, pent houses may be erected on the main roof, but such pent houses including all bulkheads shall not cover more than fifty per centum of the area of such roof. Such pent houses shall not be used or rented as apartments, but their use shall be limited solely to laundry and store room purposes, and to servants' and janitor's quarters. Such pent houses shall be set back at least ten feet from both the front and rear walls of the building, and at least three feet from any court wall; they shall have a head height of not less than nine feet from finished floor to finished ceiling, and shall not exceed twelve feet in height from the high point of the main roof to the highest point of the pent house roof. Such pent houses shall not be deemed as affecting the measurement of height of the building as described in the first part of this section, nor for the purposes of sections fifty-three, fifty-seven, fifty-eight and fifty-nine of this chapter. All such pent houses shall be entirely fireproof, with floors of brick, stone, cement, iron, or other hard incombustible material, with girders, doors and trim of kalamein or hollow metal and all glass to be good quality wire-glass.

No tenement house shall be increased in height so that the building shall exceed by more than one-half the width of the widest street on which it stands. (As amended by L. 1912, ch. 454.)

**§ 52. Yards.**

Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot, and except upon a corner lot, at every point open from the ground to the sky unobstructed, except that a fire escape may inclosed outside stairs may project not over four feet from the rear line of the house, and except that one open flat fire-escape bridge or platform not exceeding four feet in width may extend across the yard from the roof of one tenement house to the roof of an adjoining or abutting building to furnish roof egress. The depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be as set forth in the two following sections. (As amended by L. 1912, ch. 454.)

**§ 53. Yards of Interior Lots.**

Except upon a corner lot the depth of the yard behind every tenement house hereafter erected sixty feet in height shall be not less than twenty feet above the ground. Said yard shall be increased in depth one foot for every additional twelve feet of height of the building, or fraction thereof; and may be decreased in depth one foot for every twelve feet of height of the building less than sixty feet; but it shall never be less than ten feet in depth in any part.

**§ 54. Yards of Corner Lots.**

The depth of the yard behind every tenement house hereafter erected upon a corner lot shall be not less than ten feet in every part, provided that where such lot is less than one hundred feet in depth, the depth of the yard shall be not less than ten per centum of the depth of such lot, but shall never be less than five feet in every part, nor less than the minimum width of an outer court on the lot line as prescribed by section fifty-eight, subdivision one of this chapter. Where a tenement house hereafter erected on a corner lot has no basement and the cellar ceiling is not more than two feet above the curb level, said yard may start at the level of the second tier of beams. Where a corner lot is more



than fifty feet in width, the yard for that portion in excess of fifty feet shall conform to the provisions of section fifty-three of this chapter. In the case of a gore-shaped corner lot where the width of the lot at the rear lot line is greater than the width at the front and the average width of the lot does not exceed fifty feet, the average width through the center shall be taken for the purposes of the aforesaid provision. (As amended by L. 1913, ch. 561.)

#### § 54-a. Retaining Walls in Yards and Courts.

Whenever the department charged with the enforcement of this chapter shall certify that because of temporary conditions of differences in grade with abutting lots at the rear or side, and that it is necessary to protect the adjoining premises by building retaining walls; and whenever said department shall be satisfied that permission cannot be obtained to build such retaining walls on the abutting premises, and that reasonable efforts have been made to obtain such permission, the said department may permit the building of retaining walls on the premises on which the tenement house is to be erected without having such walls considered as reducing the minimum sizes of yards or courts required by this article, nor as reducing the percentage of lot permitted to be occupied, provided that such retaining walls do not encroach upon such minimum dimensions of yards or courts more than twenty-four inches, nor extend in height above the first story window sills; and provided further that there are no living rooms below such first story window sills except those necessary for the janitor and his family, and provided also that no such walls shall encroach upon a court or yard, or living rooms of any kind either for the janitor or any one, opening on such court below the level of such window sills. (As amended by L. 1913, ch. 551.)

#### § 55. Yard Spaces of Lots Running Through from Street to Street.

Whenever a tenement house hereafter erected is upon a lot which runs through from one street to another street, and said lot is not less than seventy feet nor more than one hundred and five feet in depth, there shall be a yard space through the center of the lot midway between the two streets, which space shall extend across the full width of the lot and shall never be less than twelve feet in depth from wall to wall, and shall be increased in depth as prescribed in section fifty-three of this chapter. But where such building has no basement and the cellar ceiling is not more than two feet above the curb level, such yard space may start at the level of the second tier of beams. Where such lot is over one hundred and five feet in depth, such yard space shall be left through the center of the lot midway between the two streets, and shall extend across the entire width of the lot, and shall not be less than twenty-four feet in depth from wall to wall, and shall be increased in depth as prescribed in section fifty-three of this chapter. In a fireproof tenement house hereafter erected in which one or more power passenger elevators are provided and operated, where such tenement house runs through from one street to another street, the two portions of the building may be connected, and the yard between such portions built upon, but not above the level of the second tier of beams, nor so as to convert any unoccupied portion of such yard into a court less in size than the minimum size prescribed by sections fifty-eight and fifty-nine of this chapter. Where a single tenement house hereafter erected runs through from one street to another street, and also occupies the entire block, no yard need be provided. Where a single tenement house hereafter erected is situated on a lot formed by the intersection of two streets at an acute angle, the yard of the said house need not extend across the entire width of the lot, provided that it extends to a point

in line with the middle line of the block. Nothing contained in this section shall be construed so as to require a yard for tenement houses hereafter erected on lots running through from street to street in a gore shaped block when the average width of the lot, measured parallel with the side lot line of the lot which runs through from street to street is not more than seventy feet. (As amended by L. 1916, ch. 317.)

#### § 56. Courts.

No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed except as hereinafter otherwise provided, and shall conform to the requirements of sections fifty-seven, fifty-eight and fifty-nine; provided, that an apartment not containing any room fronting upon the street or yard shall have a fire-escape in a court, projecting not more than four feet from the wall of the house. Such fire-escape shall directly connect at the bottom of such court with a fireproof passageway, not less than three feet wide and seven feet high, leading to the street. (As amended by L. 1913, ch. 551.)

#### § 57. Outer Courts.

1. Where one side of an outer court is situated on the lot line, the width of the said court measured from the lot line to the opposite wall of the building, for tenement houses sixty feet in height, shall not be less than six feet in any part; and for every twelve feet of increase or fraction thereof in height of the said building, such width shall be increased six inches throughout the entire height of said court; and for every twelve feet of decrease in the height of the said building below six feet, such width may be decreased six inches. Whenever an outer court exceeds sixty-five feet in length and does not extend from the lot line to the yard, the entire court shall be increased in width one foot for every additional thirty feet or fraction thereof in excess of sixty-five feet. But such measurement shall not prohibit one offset, the length of which does not exceed six feet. Except that in tenement houses hereafter erected not exceeding four stories and cellar in height and which also are not occupied or arranged to be occupied by more than eight families in all, exclusive of the janitor's family, or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, and in which also the yard is not less than fifteen feet in depth, the width of an outer court situated on the lot line shall not be less than four feet in any part, provided that the length of such outer court does not exceed thirty feet. Except that in tenement houses hereafter erected not exceeding five stories and cellar in height and which also are not occupied or arranged to be occupied by more than ten families in all, exclusive of the janitor's family, or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, and in which also the yard is not less than fifteen feet in depth, the width of an outer court situated on the lot line shall not be less than five feet in any part measured from wall to wall, for tenement houses sixty feet in height shall not be less than twelve feet in any part; and for every twelve feet of increase or fraction thereof in the height of the said building, such width shall be increased one foot throughout the entire height of the said court; and for every twelve feet of decrease in the height of the said building, such width may be decreased one foot. Whenever an outer court exceeds sixty-five feet in length, the entire court shall be increased in width two feet for every additional thirty feet or fraction thereof in ex-

cess of sixty-five feet. Except that in tenement houses hereafter erected not exceeding four stories and cellar in height and which also are not occupied or arranged to be occupied by more than eight families in all, exclusive of the janitor's family, or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, and in which also an outer court situated between wings or parts of the same building, or between different buildings on the same lot, measured from wall to wall, shall be not less than eight feet in any part provided that the length of said outer court does not exceed thirty-six feet. Except also that in tenement houses hereafter erected not exceeding five stories and cellar in height and which also are not occupied or arranged to be occupied by more than ten families in all, exclusive of the janitor's family, or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, and in which also the yard is not less than fifteen feet in depth, the width of an outer court situated between wings or parts of the same building, or between different buildings on the same lot, measured from wall to wall, shall be not less than ten feet in any part, and provided further that the length of such outer court does not exceed fifty feet.

2. Wherever an outer court changes its initial horizontal direction, or wherever any part of such court extends in a direction so as not to receive direct light from the street or yard, the length of such portion of said court shall never exceed the width of said portion; such length to be measured from the point at which the change of direction commences. Wherever an outer court is less in depth than the minimum width prescribed by this article, then its width may be increased to the extent of its depth, provided that such width is never less than four feet in the clear. This exception shall also apply to each offset or recess in such courts. And no window except windows of water-closets, bathrooms, or halls shall open upon any offset or recess less than six feet in width. (As amended in subdivision 1 thereof by L. 1913, ch. 551, and in subdivisions 1 and 2 by L. 1913, ch. 551.)

#### § 58. Inner Courts.

1. Where one side of an inner court is situated on the lot line, the width of the said court measured from the lot line to the opposite wall of the building, for tenement houses sixty feet in height shall not be less than twelve feet in any part, and its other horizontal dimension shall not be less than twenty-four feet in any part; and for every twelve feet of increase or fraction thereof in the height of the said building, such width shall be increased six inches throughout the entire height of said court, and the other horizontal dimension of said court shall be increased one foot throughout the entire height of said court; and for every twelve feet of decrease in the height of the said building, such width may be decreased six inches and the other horizontal dimension may be decreased one foot. Except that in tenement houses hereafter erected not exceeding four stories and cellar in height and which also are not occupied or arranged to be occupied by more than eight families in all, or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, and which also do not occupy more than seventy-two per centum of the lot, in the case of an interior lot, where an inner court is situated on the lot line measured from the lot line to the opposite wall of the building, shall not be less than eight feet in any part, and its other horizontal dimension shall not be less than twenty-four feet in any part. Except also that in such tenement houses which do not exceed three stories and cellar in height, and which also are not occupied or arranged to be occupied by more than six families in all, or by more than two families on any floor, a portion of such inner court may be occupied by a bath-room extension, provided that such



extension has no window facing an opposite building, and that it shall occupy a portion of such court greater than four and one-half feet in width, or seven feet in length, and that between such extension and the lot line the court is never less than three and one-half feet. In such last named tenement houses which do not occupy more than sixty-five per centum of the lot, in the case of an interior lot, where an inner court for its entire length immediately adjoins an existing inner court of equal or greater size in an adjoining building or adjoins such a court in an adjoining building actually in course of construction at the same time, the width of such inner court measured from the lot line to the opposite wall of the building shall be not less than four feet in any part, and not less than eight feet from wall to wall, and its other horizontal dimension shall be not less than twelve and one-half feet.

2. Where an inner court is not situated upon the lot line, but is inclosed on all four sides, the least horizontal dimension of the said court for tenement houses sixty feet in height, shall not be less than twenty-four feet; and for every twelve feet of increase of height thereof in the height of the said building, the said court shall be increased one foot in each horizontal dimension, throughout the entire height of said court; and for every twelve feet of decrease in the height of the said building below sixty feet, the horizontal dimension of the said court may be decreased one foot in each direction. Except that in tenement houses hereafter erected not exceeding four stories and cellar in height and which are not occupied or arranged to be occupied by more than eight families in all, or by more than two families on any floor, and in which also each apartment extends through from the street to the rear yard, which do not occupy more than seventy-two per centum of the lot in the case of an interior lot, the least horizontal dimension of an inner court not situated on the lot line, but inclosed on all four sides, shall not be less than fourteen feet. Except also that in such tenement houses which do not exceed three stories and cellar in height and which also are not occupied or arranged to be occupied, by more than six families in all, or by more than two families on any floor, and which do not occupy more than sixty-five per centum of the lot, in the case of an interior lot, the width of an inner court shall not be less than eight feet in any part, and its other horizontal dimension shall not be less than twelve and one-half feet. In inner courts which are not less than ten feet wide and have two or more recesses will be permitted, but where the depth of such offset or recess is less than the minimum width prescribed, then the width of said offset or recess may be equal to, but not less than its depth, provided that such width is never less than four feet in the clear. And no window except windows of water-closet compartments, bath-rooms or halls shall open upon any offset or recess less than six feet in width.

3. Every inner court shall be provided with one, or more horizontal intakes at the bottom. Such intakes shall always communicate directly with the street or yard and shall consist of a passageway not less than three feet wide and seven feet high which shall be left open, or if not open there shall always be provided in said passageway open top transoms of any size not less than five square feet each, and such open grilles or transoms shall never be covered over by glass or in any other way. There shall be at least two such grilles or transoms in each such passageway, one at the inner court and the other at the street or yard, as the case may be.

#### § 59. Outer and Inner Courts.

Nothing contained in the foregoing sections concerning outer and inner courts shall be construed as preventing the cutting off at the corners of said lots, or provided that the running length of the wall at the angle of the court does not exceed seven feet.

Except that in outer or inner courts of a less height than the minimum width for tenement houses sixty feet in height, the running length of the wall containing windows in the angles of said courts shall not exceed four feet. Nothing in this section contained shall be construed as to permit the reduction of any inner court by cutting off the corners thereof when such court is less than eight feet in width, measured from the lot line to the opposite wall of the building. In constructing said sections the height of the building is to be measured from the curb level to the top of the highest wall inclosing or forming such court except that a parapet wall extending not more than three feet above the top of the roof beams, shall not be included in such measurements in the case of tenement houses not exceeding six stories in height. When a tenement house hereafter erected exceeding three stories in height has no basement and the cellar ceiling is not more than two feet above the curb level, the courts mentioned in the three preceding sections may start at the level of the second tier of beams. Where an inner court starts at the second tier of beams, unless the bottom of the court is at that level and an intake is there provided as prescribed by section fifty-eight, subdivision three, of this chapter, a portion of such court shall be left unbuild upon, and shall communicate directly with the street as required by section fifty-eight, subdivision three, of this chapter. Where one side of such court is situated on the lot line, the unbuild upon portion shall have a minimum width of length equal to the minimum width of the court; where such court is not situated upon the lot line, the unbuild upon portion shall have one dimension equal to the minimum width of the court and the other dimension shall be not less than one-half that width. Nothing in this section contained shall be construed as to permit any room without a window opening on the street or yard or on a court in any part of the dimensions prescribed in the foregoing sections. Where a court starts at the level of the second tier of beams in whole or in part, and the bottom of the court is eight feet or more above the hall, proper access to the top of said skylight shall be provided, and said skylight shall be so arranged as to be easily cleaned. (As amended by L. 1912, ch. 454, and by L. 1915, ch. 551.)

#### § 60. Rear Tenements.

No separate tenement house shall hereafter be erected upon the rear of a lot fifty feet or less in width where there is a tenement house on the front of the said lot, nor on the rear of a lot less than fifty feet in width, rear of which there is such a tenement house.

#### § 61. Buildings on Same Lot With Tenement Houses.

If any building is hereafter placed on the same lot with a tenement house there shall always be maintained between the said buildings an open unoccupied space extending upwards from the ground and extending across the entire width of the lot; where either building is sixty feet in height such open space shall be twenty-four feet from the same walls, and for every twelve feet increase or fraction thereof in the height of such building, such open space shall be increased one foot in depth throughout its entire width, and for every twelve feet of decrease from the height of such building below sixty feet, the depth of such open space may be decreased one foot. And no building of any kind shall be hereafter placed upon the same lot with a tenement house so as to decrease the minimum size of courts or yards as hereinbefore prescribed. And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this chapter, and in addition the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

#### § 62. Rooms, Lighting and Ventilation Of.

In every tenement house hereafter erected every room, including water-closet compartments and bathrooms, shall have at least one window opening directly upon the street or upon a yard or court of the dimensions specified in sections fifty-two to sixty of this chapter, and such window shall be so located as to properly light all portions of such rooms. In addition to the above requirement, in tenement houses hereafter erected no apartment of three rooms or less shall extend in depth from the street or yard, as the case may be, for a greater distance than eighteen feet without the convention of an inner or outer court adjoining said room, constructed as required by this chapter. Wherever a room in a tenement house hereafter erected opens upon an inner court less than ten feet wide, measured from the lot line to the opposite wall of the building, such room shall be provided with a sash window, communicating with another room in the same apartment, such window to contain not less than ten square feet of glazed surface, and to be made so as to readily open. No tenement house shall be so altered that any room or public hall or stairs shall have less than ten square feet of light, in any way not approved by the department charged with the enforcement of this chapter. (As amended by L. 1912, ch. 454.)

#### § 63. Windows in Rooms.

In every tenement house hereafter erected the total window area in each room, except water-closet compartments and bathrooms, shall be at least one-tenth of the superficial area of the room, and the top at least of one window shall not be less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width. No such window shall be less than twelve square feet in area between the stop beads. Transoms or partition sash to private hallways to adjoining rooms shall be provided to secure ventilation, when required by the department charged with the enforcement of this chapter, but no such transom or sash window shall be required in a room which contains two windows. If each window contains twelve square feet of area between stop beads, or in the case of a mullioned window containing twenty-four square feet. (As amended by L. 1912, ch. 454.)

#### § 64. Rooms, Size Of.

In every tenement house hereafter erected all rooms, except water-closet compartments and bathrooms, shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area. Each such room shall contain at least seventy square feet of floor area. No room shall be less than nine feet high from the finished floor to the finished ceiling, nor less than seven feet wide in its least horizontal dimension; except that in a fireproof tenement house hereafter erected in which one or more power passenger elevators are provided and operated servants' bedrooms may be not less than six feet in their least horizontal dimensions. (As amended by L. 1912, ch. 454.)

#### § 65. Alcoves and Alcove Rooms.

An alcove in any room in a tenement house hereafter erected shall be separately lighted and ventilated as provided in sections sixty-two and sixty-three, and shall not be less than thirty square feet in area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, screen, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a window as required by sections sixty-two and sixty-three of this chapter, and the area of such less than seventy square feet.

#### § 66. Public Halls.

In every tenement house hereafter erected, which is occupied or arranged to be occupied



pied by more than two families on any floor or which exceeds four stories and cellar in height, every public hall shall have at least one window opening directly upon the street or upon a yard or court. Such window shall be at the end of said hall, with the natural direction of the light parallel to the axis of said hall; if the hall exceeds a certain length there shall be one additional window in each additional thirty feet of hall or fraction thereof. If the window is not thus located at the end of the hall, there shall be at least one window opening directly upon the street or upon a yard or court in every twenty feet in length or fraction thereof of said hall; but the foregoing provisions shall not apply to that portion of the entrance hall between the entrance and the first flight of stairs, provided that the entrance door contains not less than five square feet of glazed surface. In every public hall in such tenement house recesses or returns the length of which does not exceed twice their width will be permitted without an additional window. But whenever the length of such recess or return exceeds twice its width the above provisions in reference to one window in every twenty feet of hallway shall be applied. Any part of a hall which is shut off from any other part of said hall by a door or doors shall be deemed a separate hall within the meaning of this section. In tenement houses hereafter erected which are not occupied or arranged to be occupied by more than two families on any floor and which also do not exceed four stories and cellar in height, in lieu of a window opening directly to the outer air as above provided, there shall be a stair-well not less than twelve inches wide extending from the entrance floor to the roof. In such last named tenement houses the entrance door shall contain not less than five square feet of glazed surface and all doors leading from the public hall shall be provided with translucent glass panels of an area of not less than five square feet for each door, and also with fixed transoms of translucent glass over each door. (As amended by L. 1912, ch. 454.)

#### § 66-a. Elevator-Vestibules.

In a fireproof tenement house hereafter erected in which one or more power passenger elevators are provided and operated, elevator-vestibules not less than five feet in minimum dimension and not exceeding in any dimension twice the width of the elevator shafts which they serve, will be permitted without a window to the outer air as required by sections sixty-six and sixty-seven, provided such elevator-vestibules are completely shut off by brick walls or partitions of terra cotta blocks not less than four inches thick, or hollow cement blocks not less than four inches thick which shall have sufficient width to admit of three hours standard fire test and shall be approved by the department charged with the enforcement of this chapter,\* from the public halls and stairs and from all other parts of said houses, and with fireproof self-closing doors at all openings except elevators; and provided further that such elevator-vestibules are ventilated to the outer air by means of ventilues not less than twelve inches by twelve inches in size; and also provided that such elevator-vestibules are equipped with wires, pipes and fixtures for both gas and electric lighting, and are kept properly lighted by electric light. (As added by L. 1912, ch. 454, and amended by L. 1915, ch. 204.)

#### § 67. Windows and Skylights for Public Halls, Size Of.

In every tenement house hereafter erected on at least one window opening provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads. In every such house there shall be in the roof, directly over each stair-well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvers; the

glazed roof of such skylight shall be not less than twenty square feet in area. In tenement houses hereafter erected where the stairs and public halls are not provided with windows on each floor opening directly to the outer air, the skylights shall be provided with both such ridge ventilators, and also with fixed or movable louvers or movable sashes.

#### § 68. Windows for Stair Halls, Size Of.

In every tenement house hereafter erected the aggregate area of windows to light or ventilate stair halls shall be at least eighteen square feet for each floor. There shall be provided for each story at least one of said windows, which shall be at least two and a half feet wide and five feet high, measured between the stop beads, except that a stair-hall window which opens on the street may be four feet high. On the top story a ventilating skylight will be accepted in lieu of a window for that story. A sash door shall be deemed the equivalent of a window in this section and sections sixty-six and sixty-seven of this chapter, provided that such door contains the amount of glazed surface prescribed for such window. (As amended by L. 1912, ch. 454, and by L. 1915, ch. 551.)

#### § 69. Privacy.

In every apartment of three or more rooms in a tenement house hereafter erected, across every living room and bedroom and to at least one water-closet compartment shall be had without passing through any bedroom.

#### § 70. Percentage of Lot Occupied.

No tenement house shall hereafter be enlarged, or its lot be diminished, so that a greater percentage of the lot shall be occupied by buildings or structures than is provided in section fifty of this chapter; provided that the space occupied by fire-escapes of the size herein before prescribed, and by chimneys or flues located in yards and attached to the houses and which do not exceed five square feet in area and do not obstruct light or ventilation, shall not be deemed a part of the lot occupied. (As amended by L. 1912, ch. 454.)

#### § 71. Yards.

No tenement house shall hereafter be enlarged or its lot be diminished, so that the yard shall be less in depth than the minimum depths prescribed in sections fifty-two, fifty-three, fifty-four and fifty-five of this chapter for tenement houses hereafter erected. The measurements in all cases shall be taken from the extreme rear wall of the building to the rear lot line, and across the full width of the lot, and such yard shall be at every point open from the ground to the sky, except as provided in sections fifty-two and seventy of this chapter.

#### § 72. Additional Rooms and Halls.

Any additional room or hall that is hereafter constructed or created in a tenement house shall comply in all respects with the provisions of this article, except that such rooms may be of the same height as the other rooms on the same story of the house.

#### § 73. Rooms, Lighting and Ventilation Of.

No room in a tenement house existing on April eleventh, nineteen hundred and one, shall be occupied for living purposes unless it shall have a window opening directly upon the street, or upon a yard not less than five feet deep, or above the roof of an adjoining building, or upon a court or shaft of not less than twenty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. Every room which does not comply with the above provisions shall be provided with a sash window opening into an adjoining room in the same apartment which latter room either opens directly on the street or on a yard of the above dimensions, or itself connects by a similar sash window or series of windows with such an outer room. Said sash window shall be a vertically-sliding pulley-hung sash not less than three feet by

five feet between stop-heads, both halves shall be made so as to readily open, and the lower half shall be glazed with translucent glass, and so far as practicable shall be in line with windows in outer rooms opening on the street or yard so as to afford a maximum of light and ventilation. Where it is not practicable to construct a window of this width, then such window may be of such size as may be prescribed by the department charged with the enforcement of this chapter.\* An alcove opening of no less dimensions than said sash windows, in addition to the usual door opening, shall be deemed its equivalent. In the case of less dimensions than said sash window, in through from the street to the yard, thus ensuring through ventilation, where such rooms are already provided either with windows, window openings, glass sliding doors, or large alcove openings to adjoining rooms, provided such improvements or alterations as may be practicable and as are required by said department are made by the owner:

1. Where there is an existing window or window-opening from such interior room to an adjoining room and such window or opening is not less than ten square feet in area.

2. Where there is an existing glass sliding door or an alcove opening of sufficient size from such interior room to an adjoining room.

3. Where rooms located on the top floor open upon an air-shaft of less size than twenty square feet or closed in such a way that such rooms have sufficient light and ventilation.

4. Where owing to the size of partitions, arrangement of rooms, location of fixed closets or stairs or the interposition of air-shafts, it is impracticable to provide a window of the required size, and a window as large as practicable is provided.

In all tenement houses, whenever erected, the department charged with the enforcement of this chapter\* may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted with white paint when necessary to improve the lighting of such room and may require this to be renewed as often as may be necessary. (As amended by L. 1909, ch. 354.)

#### § 74. Public Halls, Lighting Of.

In every tenement house four stories or over in height, whenever a public hall on any floor is not light enough in the day time to permit a person to read in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms shall be removed, and ground glass, or other translucent glass or wire glass panels of an aggregate area of not less than four square feet for each door shall be substituted; or in lieu of removing the panels in the doors a fixed sash window of wire glass may be cut into the partitions separating the said hall from a room which opens directly upon the street or upon a yard, court, or shaft, of the dimensions specified in the next section; and said public hall may be lighted by a window or windows at the end thereof with the plane of the window at right angles to the axis of the said hall, said window or windows shall be of such dimensions. In every such house where the public halls and stairs are not provided with windows opening directly to the street or yard, and such halls and stairs are, in the opinion of the department charged with the enforcement of this chapter,\* not sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway, near

\*Tenement House Department.

\*Tenement House Department.



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[pamphlet]

New York: Brooklyn Daily Eagle, 1917. Vol.  
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the stairs, upon each floor, as may be necessary, from sunrise to sunset.

#### § 75. New Light Shafts in Existing Buildings.

Any shaft used or intended to be used to light or ventilate rooms used or intended to be used for living purposes, and which may be hereafter placed in such tenement house, erected prior to April tenth, nineteen hundred and one, shall not be less in area than twenty-five square feet, nor less than four feet in width in any part, and such shaft shall under no circumstances be roofed or covered over at the top with a roof or skylight; every such shaft shall be provided as the bottom with a horizontal intake or duct, of a size not less than four square feet, and communicating directly with the street or yard, and such duct shall be so arranged as to be easily cleaned out. (As amended by L. 1912, ch. 454.)

#### § 76. Public Halls.

In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor, above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of the house from sunset until ten o'clock in the evening. This shall also apply to cities of the second class. (As amended by L. 1911, ch. 383.)

#### § 77. Skylights and Ventilators.

In all tenement houses erected prior to April tenth, nineteen hundred and one, the public halls and stairs shall be provided with such skylights, ventilators, windows or skylights, or other means of light and ventilation as may be deemed practicable by the department charged with the enforcement of this chapter.\* All new skylights hereafter placed in such houses shall be provided with rigid ventilators having a minimum opening of forty square inches and also with either fixed or movable louvers or with movable sashes, and shall be of such size as may be determined to be practicable by said department. (As amended by L. 1909, ch. 354.)

#### § 78. Chimneys and Fireplaces.

In every tenement house there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, properly connected with one of said flues or chimneys for every apartment. In tenement houses hereafter erected, such flues shall be constructed independently of each other, provided, however, that where gas stoves are to be used exclusively, independent flues may be used if a metal hood extending on all sides beyond, and located immediately over, the gas stove is provided and maintained, and the space within such hood connected by a proper opening to a ventilating duct. Under no circumstances shall a gas stove be directly connected with a flue that communicates with another apartment. (As amended by L. 1912, ch. 183 and ch. 454.)

#### § 79. Vent Flues.

In a fireproof tenement house hereafter erected in which one or more power passenger elevators are provided and operated, water-closets and bath-rooms shall be supplementary to those required by law may be ventilated by individual vent flues extending from such closet or bath-room, independently of any other flue, to and above the roof. Such vent flues shall not be covered at the top but may be provided with a hood or louver. Such vent flues shall not be located on or against an outside wall; they shall be constructed of terra cotta, finished with an even surface on the inside, and shall be not less than three square feet in area. Such water-closets and bath-rooms shall be equipped with pipes, wires and fixtures for gas and electric light, and shall be kept properly lighted. No servant's water-closet or bath-room shall be so lighted or ventilated but shall have a window opening directly on the outer air,

as required by sections sixty-two and ninety-three of this chapter. (As amended by L. 1912, ch. 454.)

## ARTICLE 5

### SANITARY PROVISIONS.

- Section 90. Basements and cellars.  
91. Shafts, courts, areas and yards.  
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96. Janitor's apartments in cellars.  
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98. Public sinks.  
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100. Basements and cellars.  
101. Cellar walls and ceilings.  
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103. Water supply.  
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106. Walls of courts and shafts.  
107. Wall paper.  
108. Receptacles for ashes, garbage and refuse.  
109. Prohibited uses.  
110. Janitor or housekeeper.  
111. Overcrowding.

#### § 90. Basements and Cellars.

In all tenement houses hereafter erected no room in the cellar or in the basement shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions are complied with: a. Such room shall be at least nine feet high in every part from the floor to the ceiling. Provided, that in buildings already erected, and not now used as tenement houses but hereafter altered or converted to such use, such room shall be not less than seven feet high in every part.

b. The ceiling of such room shall be in every part at least four feet six inches above the curb level of the street in front of every part of such room, when such room or the apartment containing it is located in the front part of the building; when, however, such room or the apartment containing it is located in the rear of the building, the ceiling thereof shall be not less than two feet above the curb level of the street in front of the building and the yard and courts upon which such room or apartment opens shall extend to a point below the level of said room, as prescribed in section ninety-one of this chapter. Every such room shall be an integral part of an apartment containing a room having a window opening directly to the street or yard. There shall be not more than one apartment in any cellar and this shall contain not more than five rooms and bath, which shall not open upon any court less than five feet six inches in width, and shall be occupied solely by the janitor and his family, and no other rooms in the cellar shall be occupied for living or sleeping purposes. No part of such apartment shall be located more than twenty-five feet distant from the inner line of the front or rear wall of the building, as the case may be.

c. There shall be appurtenant to such room the use of a separate water-closet, constructed and arranged as required by section ninety-three of this chapter.

d. Such room shall have a window or windows opening upon the street, or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and the upper half of the window shall be made to open the full width, by means of a vertically sliding pulley-hang wash, and the under side of the stop-block of each window shall be within twelve inches of the ceiling. No such window shall be less than twelve square feet in area between the stop-blocks.

e. All walls surrounding such room shall be damp-proof.

f. The floor of such room shall be damp-proof and water-proof.

g. Every tenement house hereafter erected shall have all walls below the ground level and all cellar or lower floors damp-proof

and water-proof. When necessary to make such walls and floors damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls and up the same as high as the ground level and shall be continued throughout the floor, and the said cellar or lower floor shall be properly constructed so as to prevent dampness or water from entering. All cellars and basements in such tenement house shall be properly lighted and ventilated to the satisfaction of the department charged with the enforcement of this chapter.\* (As amended by L. 1913, ch. 551.)

#### § 91. Shafts, Courts, Areas and Yards.

In every tenement house hereafter erected the bottom of all shafts, courts, areas and yards which extend to the basement for light or ventilation of living rooms, must be six inches below the floor level of the part occupied or intended to be occupied. In every tenement house all shafts, courts, areas and yards shall be properly graded and drained, and connected with the street sewer so that all water may pass freely into it. And when required by the department charged with the enforcement of this chapter\* they shall be properly concreted.

#### § 92. Water Supply.

In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

#### § 93. Water-Closet Accommodations.

In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment. Every water-closet and bath hereafter placed in any tenement house shall be placed in a compartment separated from every other water-closet and bath; such compartment shall be not less than two feet and four inches wide, and shall be inclosed with plastered partitions, which shall extend to the ceiling. In tenement houses erected after April tenth, nineteen hundred and one, such compartments shall have a window opening directly upon the street or yard or upon the dimensions specified in this chapter, except otherwise provided in section seventy-nine. In tenement houses erected prior to April tenth, nineteen hundred and one, such compartment shall have a window opening directly upon the street, or upon a yard not less than four feet deep, or upon a court or shaft of not less than twenty-five square feet in area, open to the sky without roof or skylight. Every such window shall be at least one foot by three feet between stop beads, and the entire window shall be made so as to readily open. When, however, such water-closet compartment is located on the top floor and is lighted and ventilated by a skylight over it, or is located at the bottom of a shaft or court of lawful size, and is lighted and ventilated by a skylight over it at the bottom of such shaft or court, no window shall be necessary, provided the roof of such skylight contains at least three square feet of glazed surface and is arranged so as to be readily open. Nothing in this section in regard to the separation of water-closet compartments from each other shall apply to a general toilet room containing several water-closets hereafter placed in a tenement house, provided such water-closets are supplemental to the water-closet accommodations required by law for the use of the tenants of the said house. Nothing in this section in regard to the separation of water-closet compartments shall apply to a water-closet hereafter placed in a tenement house, where it is provided to replace a defective fixture in the same position and location. No water-closet shall be maintained in the cellar of any tenement house without a special permit in writing from the department charged with the enforcement of this chapter. Nothing shall have power to make rules and regulations governing the maintenance of such closets. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment,

\*Tenement House Department.

\*Tenement House Department.



ment, then the door of said compartment shall be provided with translucent glass panels, or with a translucent glass transom, not less in area than four square feet. The floor of every such water-closet compartment shall be made water-proof with asphalt, tile, stone or some other water-proof material; and such water-proofing shall extend at least six inches above the floor so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixtures shall be inclosed with any woodwork. (As amended by L. 1912, ch. 434.)

#### § 94. Plumbing.

In every tenement house hereafter erected all plumbing pipes shall be exposed, when so required by the department charged with the enforcement of this chapter.\* In all tenement houses hereafter erected where plumbing or other pipes pass through floors or partitions the openings around such pipes shall be sealed or made air-tight with plaster or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room.

#### § 95. Basement and Cellar Rooms.

Hereafter in any tenement house no room in the basement or cellar shall be occupied for living purposes without a written permit from the department charged with the enforcement of this chapter\* and such permit shall be kept readily accessible in the main living room of the apartment containing such room. And no such room in a tenement house erected prior to April tenth, nineteen hundred and one, shall hereafter be occupied unless all the following conditions are complied with: The written permit shall be issued when all of the said conditions are complied with. If refused, the reason for such refusal shall be stated by said department in writing, and a copy thereof shall be kept in the proper files of the office of said department, and be accessible to the public.

1. Such room shall be at least seven feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be in every part at least two feet above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a water-closet.

4. There shall be outside of and adjoining such room, and extending along the entire frontage of at least one of the rooms of the apartment, an open space of at least two feet six inches wide in every part, unless such room extends to the lot line, in which case its height above the curb level. Such space shall be well and effectually drained.

5. At least one of the rooms of the apartment of which such space is an integral part, shall have a window or windows opening directly to the street or yard, of at least twelve square feet in size clear of the sash frame, and which shall have been made to readily open for purpose of ventilation.

6. If the house is situated over marshy ground, or ground on which water lies, or ground on which there is water pressure from below, the first floor shall have been made water-proof and damp-proof.

7. Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

In the case of rooms located in tenement houses erected prior to April tenth, nineteen hundred and one, which do not comply with all the provisions of subdivisions one, two and four, of this section, the department charged with the enforcement of this chapter\* may issue a special permit for occupancy provided said department shall certify in writing that such rooms have sufficient light and ventilation, are well drained and dry, and are fit for human habitation. The procedure in such cases shall be as follows: Upon receipt of a written request from the owner stating that there are rooms in the basement or cellar which are or have been previously occupied for living purposes but which do not conform to the requirements of subdivisions

one, two and four of this section, and requesting a special permit for the occupancy of such rooms, the department charged with the enforcement of this chapter\* shall cause an inspection to be made, and a written report filed which shall state the respects in which said rooms do not conform to the requirements of said subdivisions and whether said rooms have sufficient light and ventilation, are well drained and dry, and are fit for human habitation. No such special permit, however, shall be issued unless such facts are certified in writing separately by at least two inspectors of said department. Such special permits shall be issued only to the head of the department or his deputies, who may require such improvements or alterations in said rooms, as may be practicable, as a condition precedent to the granting of said special permit. All reports and papers connected therewith shall be deemed public records. (As amended by L. 1909, ch. 324.)

#### § 96. Janitor's Apartments in Cellars.

In a tenement house erected prior to April tenth, nineteen hundred and one, where there is an apartment in the cellar, not occupied by the janitor and his family, and the rooms of said apartment do not conform to all the provisions of section ninety-five of this chapter upon written certification by the department charged with the enforcement of this chapter, of the number of said rooms and of the fact that said department has received from the owner of said tenement house satisfactory evidence of the existence of said apartment and its use for such purpose prior to April tenth, nineteen hundred and one, and upon the filing of the said evidence with the owner of said house of a written instrument by which he intends to permanently abandon the use of said rooms for such purpose, and the owner and the complete abandonment by said owner of the use of the said portions forming them and of all plumbing and fixtures therein or used in connection therewith, the said department may issue a written permit to the owner or his agent, permitting the construction of a new apartment in said cellar under the following conditions:

(1)—The use shall be limited solely to the janitor and his family.

(2)—It shall not contain a greater number of rooms than the apartment aforementioned nor in any case more than four rooms and bath.

(3)—It shall conform to all the provisions of subdivisions one, three, six and seven of section ninety-five of this chapter.

(4)—At least one room in said apartment shall have a window opening directly upon such yard or upon a court or shaft open to the sky without roof or sash, and not less than twenty-five square feet in area, nor less than four feet in its least horizontal dimension measured from wall to wall. Every portion of such court or shaft shall extend down below the floor of such room and shall be well and effectually drained. If inclosed on four sides, such court or shaft shall be provided with a horizontal intake constructed as in requiring for such courts in subdivision three of section fifty-eight of this chapter.

(5)—Every other room in said apartment shall have a window opening directly upon such yard or upon a court or shaft open to the sky without roof or sash, and not less than twenty-five square feet in area, nor less than four feet in its least horizontal dimension measured from wall to wall. Every portion of such court or shaft shall extend down below the floor of such room and shall be well and effectually drained. If inclosed on four sides, such court or shaft shall be provided with a horizontal intake constructed as in requiring for such courts in subdivision three of section fifty-eight of this chapter.

(6)—Every portion of each room in said apartment shall be entirely above the level of the adjoining yard, court or shaft.

#### § 97. Water-Closets.

In all tenement houses existing on April eleventh, nineteen hundred and one, the woodwork inclosing all water-closets shall be removed from the front of said closets, and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be maintained in good order and repair and the wood shall be kept well painted with light-colored paint.

#### § 98. Public Sinks.

In all tenement houses existing on April eleventh, nineteen hundred and one, the woodwork inclosing sinks located in hall, alcove or stairs shall be removed, and the space underneath said sinks shall be left open. The floors and wall surfaces beneath and around the sink shall be maintained in good order and repair, and all of wood shall be kept well painted with light-colored paint.

#### § 99. Privy Vaults, School Sinks and Water-Closets.

In all tenement houses existing on April eleventh, nineteen hundred and one, where a connection with a sewer is possible, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall before January first, nineteen hundred and three, be completely removed and the place where they were located properly disinfected under the direction of the department charged with the enforcement of this chapter.\* Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer connected, and with individual traps, and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall cover a floor area not less than three square feet in area opening directly to the outer air. The floors of the water-closet compartments shall be waterproof as provided in section ninety-three of this chapter. Where water-closets are placed in a yard to replace school sinks or privy vaults long hopper closets may be used; but all traps, flush tanks and pipes shall be protected with a covering of cast-iron. In such cases, the structure enclosing the water-closets shall not exceed ten feet in height; and shall not be considered as increasing the percentage of the lot occupied nor shall the use of such closets be considered as the use of said structure is limited solely to water-closet purposes. Such structure shall be provided with a ventilating skylight in the roof of an adequate size, and each water-closet shall be located in a compartment completely separated from every other water-closet. Proper and adequate means for lighting the structure at night shall be provided, and shall be kept in good order. The one water-closet for every two families in every tenement house existing on April eleventh, nineteen hundred and one. Except as otherwise provided, such water-closets shall be located in accordance with the ordinances and regulations in relation to plumbing and drainage.

#### § 100. Basements and Cellars.

The floor of the cellar or lowest floor of every tenement house shall be free from dampness and, when necessary, shall be covered with a layer of concrete or of good quality and with a finished surface of the cellar ceiling of every tenement house shall be plastered, when so required by the department charged with the enforcement of this chapter,\* except where such ceiling is already well sheeted with matched boards or well covered with a metal ceiling or where the first floor above the cellar is constructed of concrete or of masonry and is properly filled. (As amended by L. 1909, ch. 324.)

#### § 101. Cellar Walls and Ceilings.

The cellar walls and ceilings of every tenement house shall be thoroughly washed or painted a light color by the owner, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the department charged with the enforcement of this chapter.\*

#### § 102. Repairs.

Every tenement house and all the parts thereof shall be kept in good repair, and the

\*Tenement House Department.

\*Tenement House Department.

\*Tenement House Department.



roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on to the ground or causing dampness in the walls, ceilings, yards or areas.

#### § 105. Water Supply.

Every tenement house shall have water furnished in sufficient quantity at one or more places on each floor occupied by or intended to be occupied by one or more families. The owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said house, at all times of the year, during all hours of the day and night. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water have been provided in said house.

#### § 104. Cleanliness of Buildings.

Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same. The owner of every tenement house or part thereof shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, lavatories, drains, cellars, roofs and all other parts of the said tenement house, or part of the house of which he is the owner, to the satisfaction of the department of health,\* and shall keep the said parts of the said tenement house in a cleanly condition at all times. No person shall place filth, urine or fecal matter in any place in a tenement house other than that provided for the same, or keep filth, urine or fecal matter in his tenement house upon his premises, such length of time as to create a nuisance.

#### § 105. Shafts and Courts.

In every tenement house there shall be, at the bottom of every shaft and inner court, a door giving sufficient access to such shaft or court to enable it to be properly cleaned and such shafts or courts of a less size than prescribed in section fifty-eight, subdivisions one and two, of this chapter, such door shall be fireproof and self-closing. Provided, that where there is already a window or door in a tenement house giving proper access to such shaft or court, such window or door shall be deemed sufficient.

#### § 106. Walls of Courts and Shafts.

The walls of all yards, courts, inner courts and shafts unless built of a light-colored brick or stone shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained. Such painting or paint shall be renewed whenever necessary, as may be required by the department charged with the enforcement of this chapter†

#### § 107. Wall Paper.

No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

#### § 108. Receptacles for Ashes, Garbage and Refuse.

The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

#### § 109. Prohibited Uses.

No tenement house, or the lot or premises thereof shall be used for a lodging house or stable, or for the storage or handling of goods in a tenement house or any part thereof, or the lot or premises thereof shall be used for the purpose of prostitution or assignment of any description. No horse, cow,

calves, swine, sheep or goat shall be kept in a tenement house or on the same lot or premises thereof except that, outside of the fire limits, not more than two horses may be kept on such lot or premises, provided they are stabled at least twenty feet distant from any building used for living purposes, and that such stabling is not detrimental to health in the opinion of the department charged with the enforcement of this chapter. In case the fire limits as they existed on April tenth, nineteen hundred and one, are extended, an existing stable permitted under the provisions of this section may be continued in accordance with such provisions. (As amended by L. 1916, ch. 317.)

#### § 110. Janitor or Housekeeper.

Whenever there shall be more than eight families living in any tenement house, in which the owner thereof does not reside, there shall be a janitor or housekeeper or some other responsible person who shall reside in said house and have charge of the same, and the department charged with the enforcement of this chapter shall so require.

#### § 111. Overcrowding.

No room in any tenement house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air to each adult, and two hundred cubic feet of air to each child under twelve years of age occupying such room.

## ARTICLE 6

### REQUIREMENTS AND REMEDIES.

#### Section 120. Permit to commence building.

121. Certificate of compliance.
122. Unlawful occupation.
123. Enforcement.
124. Penalties for violations.
125. Violations of building laws, ordinances and regulations.
126. Procedure.
127. Liens.
128. Lis pendens.

#### § 120. Permit to Commence Building.

Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner, or his agent or architect, shall submit to the department charged with the enforcement of this chapter\* a detailed statement in writing, verified by the affidavit of the person in charge of the specifications for the construction and for the light and ventilation of such tenement house or building, upon a blank or form as shall be furnished by the department, and also a full and complete copy of the plans of such work. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such tenement house or building. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such tenement house, either as owner, lessee or in any representative capacity. Said affidavit shall allege that the specifications and plans are true and contain a correct description of such tenement house, building, structure, lot and proposed work. The statements and affidavits herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be required to act as the agent of the owner, unless he shall file with the said department a written instrument, signed by such owner, designating him as such agent. Any false swearing in a material point in any such affidavit shall be deemed perjury.

\*Tenement House Department.

Such specifications, plans and statements shall be filed in the said department and shall be deemed public records, and such specifications, plans or statements shall be removed from said department. The said department shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this chapter and to the building ordinances and regulations they shall be approved by such department, and a written certificate to that effect shall be issued to the person submitting the same. Nothing contained in this section shall prevent the department charged with the enforcement of this chapter from issuing a permit for the erection of the cellar walls of a tenement house, provided plans have been filed in the said department for the erection of such walls and have been found to conform to law, but no work shall be done above the first tier of beams under any such permit. The department may, from time to time, approve changes in any plans and specifications previously approved, but no provision of the plans and specifications when so changed shall be in conformity with law. The construction, alteration or conversion of such tenement house, building or structure or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such house, building or structure, shall be in accordance with the approved specifications and plans. Any permit or approval which may be issued by the department charged with the enforcement of this chapter\* but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation. Said department shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this chapter, or in case any false statement or representation is made in any specifications, plans or statements submitted or filed for such permit or approval. (As amended by L. of 1916, Chap. 313.)

#### § 121. Certificate of Compliance.

No building hereafter constructed or altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the department aforesaid that said building conforms in all respects to the requirements of this chapter. Such certificate shall be issued within ten days after written application therefor, if said building at the date of such application shall be entitled thereto. Such a certificate, or the record in the department aforesaid that such a certificate has been issued or a statement signed by the head of such department that such a certificate has been issued, shall be relied upon by every person who in good faith purchases a tenement house or who in good faith lends money upon the security of mortgage covering a tenement house. Whenever any person has so relied upon such certificate, no claim that such tenement house does not conform in all respects to the provisions of this chapter shall be made against such person or against the interest of such person in a tenement house to which such a certificate applies or concerning which such a statement has been issued. (As amended by L. 1909, ch. 254.)

#### § 122. Unlawful Occupation.

If any building hereafter constructed or altered into a tenement house be occupied in whole or in part for human habitation in violation of law, or for any other or any unlawful occupation any bond or note secured by a mortgage upon said building, or the lot upon which it stands, may be declared null and void at the option of the mortgagee. No rent shall be recoverable by the owner or lessee of such premises for said period, and no action or special proceeding shall be maintained, therefore, or for possession of said premises, until the payment of such rent. The department of water supply shall not permit water to be furnished

\*Changed by Greater New York Charter to "Tenement House Department."  
†Tenement House Department.



in any such tenement house, and said premises shall be deemed unfit for human habitation, and the department of health shall cause them to be vacated accordingly. Provided, however, that any tenement house erected after April tenth, nineteen hundred and one, and which has been occupied for human habitation for two years immediately preceding the first day of January, nineteen hundred and nine, in which no changes or alterations have been made except in compliance with this chapter, shall be permitted to be occupied in the same manner as if a certificate had been issued that such tenement house conforms in all respects to the requirements of this chapter, unless an action or proceeding to require it to be vacated shall have been brought within six months after the passage of this act. (As amended by L. 1909, ch. 354.)

#### § 123. Enforcement.

1. Except as herein otherwise provided, the provisions of this chapter shall be enforced by the department of any city to which this chapter applies, which is now charged with the enforcement of laws, ordinances and regulations relating to similar subject matter in tenement houses.

2. Nothing in this chapter shall be construed to abrogate or impair the powers of the department of health, the department of buildings, or of the courts, to enforce any provisions of the charter or building ordinances and regulations, not inconsistent with this chapter, or to prevent or punish violations thereof.

#### § 124. Penalties for Violations.

Every person who shall violate or assist in the violation of any provision of this chapter shall be guilty of a misdemeanor punishable by imprisonment for ten days for each and every day that such violation shall continue, or by a fine of not less than ten dollars nor more than one hundred dollars if the offense be not willful, or of two hundred and fifty dollars if the offense be willful, and in every case of ten dollars for each day after the first that such violation shall continue, or by a fine and imprisonment in the discretion of the court; provided, that the punishment for a violation of section one hundred and forty of this chapter shall be a fine of fifty dollars; and provided further, that the penalty for the commission of a fire-escape by an occupant of the tenement house shall be a fine. The owner of any tenement house or part thereof, or of any building or structure upon the same lot with a tenement house, or of the said lot, where any violation of this chapter or a nuisance exists, and any person who shall violate or assist in violating any provision of this chapter, or any notice or order of the department charged with its enforcement, shall also jointly and severally for each such violation or such nuisance be subject to a civil penalty of fifty dollars. Such persons shall also be liable for all costs, expenses and disbursements paid or incurred by said department, by any of its officers, clerks, inspectors, employees or contractor of the same, in the removal of any such nuisance or violation. Any person who having been served with a notice or order to remove any such nuisance or violation, shall fail to comply with said notice or order within five days after such service, or shall continue to violate any provision or requirement of this chapter in the respect named in said notice or order, shall also be subject to a civil penalty of two hundred and fifty dollars. For the recovery of any such penalties, costs, expenses or disbursements, an action may be brought in any court of civil jurisdiction in said cities. In case the notice required by section one hundred and forty of this chapter is not filed, or if the owner, lessee or other person having control of such tenement house does not reside within the state, or cannot after diligent effort be served with process therein, the existence of a nuisance or of any violation of this chapter, or of any violation of an order or a notice made

by said department, in said tenement house or on the lot on which it is situated, shall subject said tenement house and lot to a penalty of two hundred and fifty dollars. Said penalty shall be a lien upon said house and lot. (As amended, Laws of 1914.)

#### § 125. Violation of Building Laws, Ordinances and Regulations.

Any owner, agent, architect, builder, contractor, sub-contractor or foreman who shall, in construction or alteration of any building intended to be used as a tenement house, knowingly violate any of the provisions of the building laws, ordinances or regulations shall be guilty of a misdemeanor.

#### § 126. Procedure.

Except as herein otherwise specified, the procedure for the prevention of violations is as follows: If a nuisance or violation of premises unlawfully occupied, or for other abatement of nuisance in connection with a tenement house, shall be as set forth in charter and ordinances. In case any tenement house, building or structure or part thereof is constructed, altered, converted or maintained in violation of any provision of this chapter or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such tenement house, building or structure or upon the lot on which it is situated, said department may institute any appropriate action or proceeding to prevent such nuisance, violation, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said tenement house, building or structure, or to prevent any illegal act, conduct or business in or about such tenement house or lot. In any such action or proceeding said department may, by affidavit setting forth the facts, apply to the supreme court or to any justice thereof, for an order granting relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such tenement house, building, structure or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said department is not complied with, said department may apply to the supreme court, or to any justice thereof, for an order authorizing said department to execute and carry out the provisions of said notice or order, to remove any violation specified in said notice or order, or to abate any nuisance in or about such tenement house, building or structure, or the lot upon which it is situated. The court, or any justice thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the city be liable for costs in any action or proceeding that may be commenced in pursuance of this chapter. In an action to establish a lien upon the house, this procedure shall be as set forth in sections one hundred and forty-three and one hundred and fifty-five to one hundred and sixty of this chapter. The judgment in any such action may provide for the sale of said property, and for such other remedies to secure the enforcement thereof as the court may deem proper.

#### § 127. Liens.

Every fine imposed by judgment under section one hundred and twenty-four of this chapter upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certificate copy of said judgment in the office of the clerk of the county in which said tenement house is situated, subject only to taxes, assessments and water rates and to such mortgages and mechanics' liens as may exist thereon prior to such filing, and it shall be the duty of the department of health, upon the entry of said judgment, to forward to the clerk the copy as aforesaid, and such copy, upon such filing, shall be a lien in favor of the clerk in the index of mechanics' liens.

#### § 128. Lis Pendens.

In any action or proceeding instituted by the department charged with the enforcement of this chapter, the plaintiff or petitioner may file in the county clerk's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the code if civil procedure. Each county clerk with whom such notice is filed shall record it, and shall index it to the name of each person specified in a direction subscribed by the corporation counsel. Any such notice may be vacated upon the order of a judge or justice of the court in which such action or proceeding was instituted or is pending, or upon the consent in writing of the corporation counsel. The clerk of the county where such notice is filed is to be authorized to mark such notice and any record or docket thereof as canceled of record, upon the presentation and filing of such consent or of a certified copy of such order.

### ARTICLE 7

#### REGISTRY OF NAMES AND SERVICE OF PAPERS.

Section 140. Registry of owner's name.

- 141. Registry of agent's name.
- 142. Service of notices and orders.
- 143. Notice of removal of names.
- 144. Indexing names.

#### § 140. Registry of Owner's Name.

Every owner of a tenement house and every person having control of a tenement house, shall file in the department charged with the enforcement of this chapter,\* a notice containing his name and address and also a description of the premises, and the number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this chapter easily to find the same, and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments. In case a transfer of a tenement house, it shall be the duty of the grantee of said tenement house to file in the department charged with the enforcement of this chapter a notice of such transfer, stating the name of the grantee, within thirty days after such transfer. In the case of the devolution of said property by will, it shall be the duty of the executor and the devisee, more than twenty-one years of age, and in the case of the devolution of such property by inheritance without a will, it shall be the duty of the heirs, or, in case all of the heirs are under age, it shall be the duty of the guardian of said heirs, and in case said heirs have no guardians, it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice, stating the death of the deceased owner, and the names of those who have succeeded to his interest in said property, within thirty days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate. (As amended by L. 1913, ch. 193.)

#### § 141. Registry of Agent's Name.

Every owner, agent or lessee of a tenement house may file in the department of health a notice containing the name and address of an agent or clerk of the house, for the purpose of receiving service of process, and also a description of the property by street number or otherwise, as the case may be, in such manner as will enable the department of health easily to find the same. The name

\* Changed by Greater New York Charter to "Tenement House Department."  
\* Tenement House Department.

\* Tenement House Department.  
\* Changed by Greater New York Charter to "Tenement House Department."

\* Tenement House Department.  
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of the owner or lessee may be filed as agent for this purpose.

#### § 142. Service of Notices and Orders.

Every notice or order in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued. The posting of a copy of such notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to each person, if any, whose name has been filed with the department of health\* in accordance with the provisions of sections one hundred and forty and one hundred and forty-one of this chapter, at his address as therewith filed, shall be sufficient service therefor.

#### § 143. Service of Summons.

In any action brought by any city department in relation to a tenement house for injunction, vacation of the premises or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of the summons to serve the same as notices and orders as served under the provisions of the last section; provided, that if the address of any agent whose name and address have been filed in accordance with the provisions of section one hundred and forty-one of this chapter is in the city in which the tenement house is situated, then a copy of the summons shall also be delivered at such address to a person of proper age, if upon reasonable application admittance can be obtained and such person found; and provided also, that personal service of the summons upon the owner of such tenement house shall be sufficient service thereupon him.

#### § 144. Indexing Names.

The names and addresses filed in accordance with sections one hundred and forty and one hundred and forty-one shall be indexed under direction of the registrar of records of the department of health,\* in such a manner that all of those filed in relation to each tenement house shall be together and readily ascertainable. The board of health\* shall provide the registrar with the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the city. Said indexes shall be public records, open to public inspection during business hours.

## ARTICLE 3

### PROSTITUTION IN TENEMENT HOUSES

#### Section 150. Vagrancy.

151. Lien.
152. Permission of lessee.
153. Permission of owner.
154. Rules of evidence.
155. Title of action and parties.
156. Jurisdiction and procedure.
157. Judgment.
158. Sale of property.
159. Receivership.
160. Cancellation of notice of pendency of action.

#### § 150. Vagrancy.

A person who:  
1. Solicits another to enter a house of prostitution or a room in a tenement house or any part thereof for the purpose of prostitution; or

2. Indecently exposes the private person for the purpose of prostitution or other indecency; or

3. Commits prostitution in a tenement house or any part thereof; or

4. Knowing he resides in a house of prostitution, or assignment or ill-fame of any description in a tenement house; or

5. Keeps or maintains a house of prostitution, assignment or ill-fame of any de-

scription in a tenement house, shall be deemed to be a vagrant, and upon conviction thereof shall be committed to the county jail for a term not exceeding six months from the date of commitment, or, if the person convicted is a female she may be committed upon probation except in the following cases: (a) when the offense was that of keeping or maintaining a house of prostitution, assignment or ill-fame in a tenement house, or (b) when the female has been convicted previously of any offense of crime. The procedure in such case shall be the same as that provided by law for other cases of vagrancy. (As amended by L. 1913, ch. 595, and by L. 1915, ch. 256.)

#### § 151. Lien.

A tenement house shall be subject to a penalty of one thousand dollars, if it or any part of it shall be used for the purpose of a house of prostitution, or assignment or ill-fame, without the permission of the owner thereof, or his agent, and said penalty shall be a lien upon the house and the lot upon which the house is situated.

#### § 152. Permission of Lessee.

If a tenement house, or any part thereof, shall be used for the purpose of a house of prostitution or assignment of any description with the permission of the lessee of the whole of said tenement house, or his agent, the lease shall be terminable at the election of the lessor. And the owner shall be entitled to recover possession of said tenement house by summary proceedings in the manner provided by title two of chapter seventeen of the code of civil procedure.

#### § 153. Permission of Owner.

A tenement house shall be deemed to have been used for the purpose specified in the last two sections with the permission of the owner, agent and lessee thereof in the following cases:

1. If summary proceedings for the removal of the tenants of said tenement house, or of so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawfulness has been served by the department with the enforcement of this chapter\* in the manner prescribed by law for the service of notices and orders in relation to tenement houses, or if no such proceedings are not in good faith diligently prosecuted to final determination.

2. If there be two or more convictions in the same tenement house within a period of six months either under section one hundred and fifty of this chapter or under section eleven hundred and forty-six of the penal law. (As amended by L. 1913, ch. 595.)

#### § 154. Rules of evidence.

In an action to establish a lien under this article, or in any action or proceeding for a fine, penalty or other punishment for a violation of any of the provisions of this chapter, relating to prostitution, assignment or other indecency, proof of the ill-repute of the common fame of the premises which are the subject-matter of the action or proceeding or of the inmates thereof, or of those resorting thereto shall constitute presumptive evidence and it shall be presumed that such use as with the permission of the owner, agent and lessee. (As amended by L. 1913, ch. 595.)

#### § 155. Title of Action and Parties.

Said action shall be brought against the tenement house as defendant. Said house may be described in the title of the action by its street number, or in any other method sufficiently precise to secure identification. The property shall be described in the complaint. The plaintiff, except as hereinafter provided, shall be the department of health. In case taxpayer of any city to which this article applies shall receive a summons in writing to institute an action under this article against any tenement house specified in such request, and such

\*Tenement House Department.

\*Changed by Greater New York Charter to "Tenement House Department."

department shall not institute such action within ten days after receiving such request, then any taxpayer of said city may institute and maintain such action against such tenement house in his own name, and in such case the court may in its discretion require security for costs.

#### § 156. Jurisdiction and Procedure.

Said action shall be brought in the supreme court in the county in which the property is situated. At or before the commencement of the trial of such action shall be filed in the office of the clerk of the county, together with a notice of the pendency of the action, containing the names of the parties, the object of the action and a brief description of the property affected thereby. Said notice shall be immediately recorded by the clerk in accordance with the provisions of section sixteen hundred and seventy-two of the code of civil procedure. The owner or lessee of said building, or both, may appear in said action and answer or demur to the complaint and the subsequent proceedings in the action shall be the same as in the trial of such action to establish a lien or incumbrance upon real property, and the action shall be entitled to a preference in the trial or hearing thereof.

#### § 157. Judgment.

The judgment in such action, if in favor of the plaintiff, shall establish the penalty sued for as a lien upon said premises, subject only to taxes, assessments and water rates, and to such mortgage and mechanic liens as may exist thereon prior to the filing of the notice of pendency of the action.

#### § 158. Sale of Property.

At any time after the entry of any judgment establishing a lien upon tenement property the department of health,\* if there be no stay pending appeal, may apply to the court for leave to sell such property. Upon such application the court, if it deem advisable, may order such property to be sold at public auction, subject to taxes, assessments and water rates and to such mortgage and mechanic liens as aforesaid. The proceeds of the sale shall be paid to the department of health. The justice of the appellate division of the supreme court of any judicial department may establish rules of practice, which shall be followed by such appeals, and may regulate the conduct of said sales in said department.

#### § 159. Receivership.

Whenever the lien or liens upon a tenement property, established by judgment, shall amount to one thousand dollars or over, if there be no stay pending appeal, the department of health\* shall appoint a receiver of the rents and profits of said property. Said receiver shall give security for the performance of his duties in the manner and form fixed by said department. He shall have the powers and duties of a receiver of real and profits of real estate appointed by the supreme court; provided, that the corporation counsel shall act as his counsel and that he shall not be allowed any expenditure for counsel fees, and provided, that his receiver shall receive ten per centum of his collections, which sum shall be full compensation for his services and those of any agent or agents whom he may employ. Said receivership shall continue until the amount of said liens, with interest thereon at the rate of six per centum, and of said commissions, have been fully paid; provided, that nothing in this section shall be construed to prevent any prior lienor from applying to the court in a proper case for a receiver of the property.

#### § 160. Cancellation of Notice of Pendency of Action.

If an action to establish a lien upon tenement property terminate otherwise than in judgment in favor of the plaintiff, or if said judgment be fully paid, said notice may be canceled in the manner prescribed by section one thousand six hundred and seventy-four of the code of civil procedure.

\*Changed by Greater New York Charter to "Tenement House Department."

\*Changed by Greater New York Charter to "Tenement House Department."



## ARTICLE 9

## APPLICATION: LAWS REPEALED: WHEN TO TAKE EFFECT.

## Section 170. Application.

171. Laws repealed.

172. When to take effect.

## § 170. Application.

This chapter shall apply to cities of the first class only, except as provided in section seventy-six of this chapter. (As amended by L. 1911, ch. 535.)

## § 171. Laws Repealed.

1. All statutes of the state and ordinances of cities of the first class, so far as inconsistent with the provisions of this chapter,

are hereby repealed; provided, that nothing in this chapter contained shall be construed as repealing or abrogating any present law or ordinance in any city of the first class, further restricting or prohibiting the occupation of cellars, or increasing the amount of air space to each individual occupying a room, or as prohibiting any future ordinance in respect thereto. Wherever the provisions of any local ordinance or regulation impose requirements for lower height of building or a less percentage of lot that may be occupied or require wider or larger courts or deeper yards, the provisions of such local ordinance or regulation shall govern. Where, however, the provisions of this chapter impose requirements for lower height of building or a less percentage of lot that may be occupied or require wider or larger courts or deeper yards, than are required by such local ordinance or regulation, the provisions of this chapter shall govern.

alone of this chapter shall govern. (As amended by L. 1916, ch. 219.)

## § 172. When to Take Effect.

This chapter shall take effect immediately.

## Schedule of Laws Repealed.

Laws of	Chapter	Section
1901.....	234.....	All
1901.....	555.....	All
1902.....	232.....	All
1902.....	548.....	All
1903.....	179.....	All
1904.....	346.....	All
1904.....	739.....	All
1905.....	507.....	All
1906.....	148.....	All
1907.....	622.....	All
1907.....	631.....	All
1907.....	681.....	All
1908.....	250.....	All

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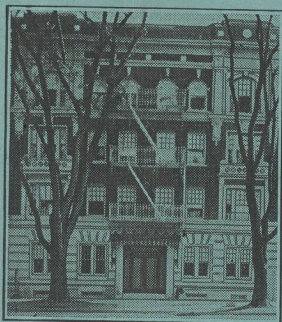
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